

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PATRICK LAMONT SIMS,

Petitioner,

vs.

JAMES F. SHERMAN,

Respondent.

CLERK

U.S. DISTRICT COURT

Civil Action N. 04-381E
JUDGE SEAN McLAUGHLIN
MAGISTRATE JUDGE BAXTER

MOTION FOR ENLARGEMENT OF TIME

NOW COMES, Petitioner Patrick Lamont Sims, in properia persona, and moves this Honorable Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for enlargement of time for filing his objections to the magistrate judge's report and recommendation. In support, the following is respectfully submitted.

1. On March 8, 2006, Magistrate Judge Susan Paradise Baxter entered an Order granting Petitioner's request for enlargement of time. In his motion, Petitioner requested a thirty-day enlargement up to and including April 6, 2006. The Court only granted an enlargement up to March 27, 2006.

2. The prisoner assisting the Petitioner was delayed in commencing his research of the pleadings, law, and the magistrate's report and recommendation due to a series of incidents that occurred at the prison. Specifically, several fights and related disturbances, (i.e. 3/13/06; 3/18/06; and 3/13/06), occurred at times Petitioner was scheduled to meet with the assisting prisoner in the law library.

3. In addition, institutional movement has been limited on occasions and also prevented Petitioner and the assisting prior from meeting in the law library.

4. These developments also effected the assisting prisoner's other obligations. He was unable, until March 23, 2006, to complete other litigation he was assisting another prisoner with.

5. The assisting has started to review the matter and can, under the limitation of prison policy, complete the objections to the magistrate's report and recommendation by April 6, 2006.

6. Accordingly, Petitioner request the Court grant a ten day extention of time from March 27, 2006 to April 6, 2006.

C O N C L U S I O N

WHEREFORE, for the reasons stated heretofore, Petitioner respectfully request that this Honorable Court grant a ten day enlargement of time up to and including April 6, 2006.

Date: 3-23-06

Patrick Sims
Patrick Lamont Sims #13953-039
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

CERTIFICATE OF SERVICE

The undersigned certifies that on the date below a true and correct copy of the foregoing was conveyed to prison authorities for mailing with first class U.S. postage prepaid and properly addressed to the following party:

Christy C. Wiegand
Assistant U.S. Attorney
U.S. Courthouse and Post Office
700 Grant Street, Suite 400
Pittsburgh, PA 15219

Date: 3-23-06

Patrick Sims
Patrick Lamont Sims #13953-039
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

March 23, 2006

Patrick Lamont Sims #13953-039
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

United States District Court
Western District of Pennsylvania
Office of the Clerk
17 South Park Row
Erie, PA 16501

Re: Sims v. Sherman:
Civil No. 04-381E
Judge Sean McLaughlin
Magistrate Judge Baxter

Dear Clerk:

Enclosed for filing please find the original of Petitioner's
"Motion For Enlargement of Time" with Certificate of Service
and attachment.

Sincerely,


cc: file

: jc
: enclosure
: AUSA Wiegand